

NATIONAL SECURITY AGENCY CENTRAL SECURITY SERVICE FORT GEORGE G. MEADE, MARYLAND 20755-6000

Serial: MDR-73494

21 July 2014

Mr. John Greenewald

Dear Mr. Greenewald:

This responds to your request of 24 July 2013 to have previously released and redacted classified records pertaining to Unidentified Flying Objects (UFOs) currently posted on the Internet at URL http://www.nsa.gov/public info/declass/ufo/index.shtml reviewed for declassification. With the exception of the enclosed document, we cannot locate unredacted copies or the original documents that were previously reviewed and released to the public.

The one document we were able to locate has been reviewed under the Mandatory Declassification Review (MDR) requirements of Executive Order (E.O.) 13526 and is enclosed. We have determined that some of the information in the material continues to require protection. Portions redacted from the document were found to be currently and properly classified in accordance with E.O. 13526. The redacted information meets the criteria for classification as set forth in Section 1.4 subparagraphs (b), (c), and (d) and remains classified TOP SECRET as provided in Section 1.2 of E.O. 13526. The withheld information is exempt from automatic declassification in accordance with Section 3.3(b)(3) and (6) of the Executive Order. In addition, Section 3.5(c) of E.O. 13526 allows for the protection afforded to information under the provisions of law. Therefore, information that would reveal NSA/CSS functions and activities has been protected in accordance with Section 6, Public Law 86-36 (50 U.S. Code 3605, formerly 50 U.S. Code 402 note). You may consider this a denial of your request for declassification of the above referenced document. You may also consider NSA's inability to locate the other requested records a denial of your request.

Since your request for declassification has been denied you are hereby advised of this Agency's appeal procedures. Any person denied access to information may file an appeal to the NSA/CSS MDR Appeal Authority. The appeal must be postmarked no later than 60 calendar days after the date of the denial letter. The appeal shall be in writing addressed to the NSA/CSS MDR Appeal Authority (DJ5), National Security Agency, 9800 Savage Road, STE 6881, Fort George G. Meade, MD 20755-6881. The appeal shall reference the initial denial of access and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes the release of information is required. The NSA/CSS MDR Appeal Authority will endeavor to respond to the appeal within 60 working days after receipt of the appeal.

Please be advised that "UFO's," "extra-terrestrials," and "paranormal activities" do not relate to NSA's mission or function. NSA documents that have been located in searches for "UFO" documents generally fall into one of two categories. The first category of records includes foreign intelligence reports that contain words such as "unidentified aircraft" or "unidentified (flying) object" or words to that effect. These are simply terms that are used to describe conventional aircraft or objects (possibly weather balloons) that were not identified as such at the time of the report. The second category of "UFO" documents includes items written by NSA employees with an interest in UFOs, or open source publications (magazine/newspaper articles) that were placed into "agency" files by employees. These records are subject to the provisions of E.O. 13526 only because they became "agency records" once they were placed into official agency files.

Sincerely,

Blile C. PE

BLAKE C. BARNES

Chief

Declassification Services

Encl:

a/s



Request ID: 0000675200

UNCLASSIFIED TRANSMITTAL OF MATERIAL





TO MR. JOHN GREENEWALD MR. JOHN GREENEWALD PHN#: NONE PROVIDED				FROM (RETURN ADDRESS) DEPARTMENT OF DEFENSE NATIONAL SECURITY AGENCY 9800 SAVAGE ROAD FORT MEADE MARYLAND 20755-6000 ATTN: CERNE,PHYLLIS LOUISE			This transmittal may NOT be downgraded upon removal of the enclosure(s). This transmittal may NOT be declassified upon removal of the enclosure(s).					
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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

CITIZENS AGAINST UNIDENTIFIED FLYING OBJECTS SECRECY,		 *	, , ;
Plaintiff, v.)))	Civil Action 80-1562	No.
NATIONAL SECURITY AGENCY,)		
Defendant.)		

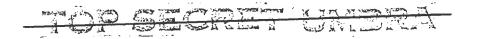
IN CAMERA AFFIDAVIT OF EUGENE F. YEATES

County of Anne Arundel)
State of Maryland)

Eugene F. Yeates, being duly sworn, deposes and says:

- 1. (U) I am the Chief, Office of Policy, of the National Security Agency (NSA). As Chief, Office of Policy, I am responsible for processing all initial requests made pursuant to the Freedom of Information Act (FOIA) for NSA records. The statements herein are based upon personal knowledge, upon my personal review of information available to me in my official capacity, and upon conclusions reached in accordance therewith.
- 2. (U) This affidavit supplements my unclassified affidavit executed on September 30, 1980 regarding all documents which have been located by NSA pursuant to plaintiff's FOIA request but which have been withheld wholly or in part by NSA. I submit this affidavit in camera for the purpose of stating facts, which cannot be publicly disclosed, that are the basis for exempting the records from release to the plaintiff.
- 3. (Seco) At the beginning of each paragraph of this affidavit, the letter or letters within parentheses designate(s) the degree of sensitivity of information the paragraph contains.

Declassified and Approved for Release by NSA on 07-21-2014 pursuant to E.O. 13526, MDR Case # 73494

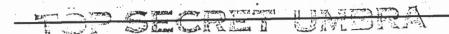


The letters "U", "C", "S" and "TS" indicate respectively that the information is unclassified or is classified CONFIDENTIAL, SECRET or TOP SECRET. The symbols "(SC)" and "(TSC)" stand for "SECRET CODEWORD" and "TOP SECRET CODEWORD", respectively. "CODEWORD" refers to one of the distinctive five-letter words used to identify the source of the information as communications intelligence (COMINT), to distinguish between COMINT categories and sub-categories, and to facilitate the application of regulations for the dissemination and use of COMINT. The codeword "UMBRA" appearing in conjunction with the TOP SECRET classification at the top and bottom of each page of this affidavit, is the codeword applicable to Category III (the highest category) COMINT. Documents revealing sensitive details about the production of COMINT must bear the classification and codeword appropriate to the highest category or sub-category of COMINT to which they relate, even though they may not contain COMINT as such. The symbol "CCO", which stands for the caveat "HANDLE VIA COMINT CHANNELS ONLY", is used to designate information related to COMINT or COMINT activities, which, although it does not require codeword protection, must be kept within COMINT channels, i.e., disclosed only to persons eligible to receive COMINT itself.

THE RELEVANT DOCUMENTS

4. (SC) In processing the plaintiff's FOIA request, a total of two hundred and thirty-nine documents were located in NSA files. Seventy-nine of these documents originated with other government agencies and have been referred by NSA to those agencies for their direct response to the plaintiff.

One document, which I addressed in paragraph 20c of my public affidavit, was erroneously treated as part of the subject matter of plaintiff's FOIA request. It is an account by a person



assigned to NSA of his attendance at a UFO symposium and it cannot fairly be said to be a record of the kind sought by the plaintiff. Another document, discussed in paragraph 20d of my public affidavit, was recently declassified and released to plaintiff. Two additional non-COMINT records have been released to the plaintiff with the exempted material deleted. The deletions in these documents are explained below:

- Questions was released to the plaintiff with the deletion on page seven of the name of the employee who prepared the draft and a deletion of a reference to his NSA component. As I explained in paragraph 20, sub-paragraph a, of my open affidavit, information about NSA's organization or employees is protected from disclosure by Public Law 86-36 and, therefore, exempt pursuant to 5 U.S.C. §552(b)(3).
- b. The second non-COMINT document is a three page undated, unofficial draft of a monograph with a four page appendix by the same agency employee who authored the draft referenced in sub-paragraph a, above. This document was discussed in paragraph 20b of my public affidavit. It is entitled UFO's and the Intelligence Community Blind Spot to Surprise or Deceptive Data. In this document, the author discusses what he considers to be a serious shortcoming in the Agency's COMINT interception and reporting procedures the inability to respond correctly to surprising information or deliberately deceptive data. He uses the UFO phenomena to illustrate his belief that the inability of the U.S. intelligence community to process this type of unusual data adversely affects U.S. intelligence gathering capabilities. Deletions in this document were made as follows:
- (1) All of the title after UFO, which addresses the perceived shortcoming, and all of paragraph one, which discusses the employee's perception of the negative implications

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of the handling of UFO phenomena as it demonstrates what he believes is the less than optimum ability of the intelligence community to process and evaluate highly unusual data. As I stated in my public affidavit (paragraph 20b), the type of candor that is reflected in this record must be encouraged especially in an intelligence Agency where the most meaningful suggestions regarding ways to promote the efficiency of the critical Agency mission will of necessity come from within. Public disclosure of such information, especially when it advances a novel theory, could have the effect of stifling such candor by the risk of diminution of professional standing the employee runs if subsequently found wrong. Thus, this matter was deleted pursuant to 5 U.S.C. §552(b)(5).

(2) Paragraph three of this document uses a signals
intelligence operation against to illustrate
the author's point. This paragraph contains information about
SIGINT activities that is currently and properly classified and,
thus, is exempt from disclosure pursuant to 5 U.S.C. §552(b)(1).
The material in this paragraph also concerns the organization
and operational activities and functions of NSA directed against
This material is exempt from disclosure under
5 U.S.C. §552(b)(3) which exempts from release under the FOIA
matters specifically exempted from disclosure by another statute.
As noted in paragraph 20, sub-paragraph b of my public affidavit,
Public Law 86-36 provides that no law shall be construed to
require disclosure of the organization or any function of the
NSA or any information with respect to activities thereof.

(3) Paragraph four of the memorandum states the conclusions and recommendations of the author. While it talks of the ability of the Agency employees to deal with unusual phenomena it is not responsive to the plaintiff's request

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regarding UFO or UFO phenomena. In any event, as I stated in my public affidavit (paragraph 20b), the subject matter of that paragraph is exempt from disclosure because it contains the employee's specific recommendations for addressing the problem of responding to surprise material. For the reasons stated in sub-paragraph (1) above, these recommendations are exempt from disclosure pursuant to 5 U.S.C. §552(b)(5). One specific recommendation suggests an operational approach to solving the problem which reveals NSA activities and is, therefore, exempt from disclosure pursuant to 5 U.S.C. §552(b)(3) as explained above.

of this report. This section talks about deceptive communications tactics used by the Vietnamese against U.S. forces and does not include any reference to UFO or UFO phenomena and is, therefore, not responsive to plaintiff's request. Nonetheless the subject matter of sub-paragraph 10 is currently and properly classified. Thus, even if it were deemed to be within the scope of plaintiff's request, it is exempt from disclosure pursuant to 5 U.S.C. §552 (b)(1).

COMINT REPORTS

- 5. (TEC) The remaining one hundred and fifty-six records being withheld are communications intelligence (COMINT) reports, which were produced between 1958 and 1979. For purposes of my discussion here, these records are organized into three groups based upon the source of the report.
- a. One hundred and fifteen of these reports were produced by the signals intelligence organizations of foreign governments. These COMINT reports are provided to NSA under

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various arrangements for sharing COMINT information. The countries who collaborate with NSA in SIGINT activities are designated either second party or third party sources — depending on the nature of the relationship.

(1) Two	of the records	at issue here we	re produced
by second party so	urces		The
United States has	extremely close	intelligence tie	s with both
these nations dati	ng back to Worl	d War II. The re	port
was	provided to NS	A under a formal	agreement
governing collabor	ation in COMINI		
		-	
	Mutually agr	eed upon rules go	voundum the
security protection	n afforded to C	COMINT are applied	uniformly by
our two government	s. The relatio	nship between NSA	and the
			is

governed by a similar agreement.

- (2) One hundred and thirteen reports were provided to NSA by third party sources. The relationships with these sources have developed more recently and are more tenuous than second party arrangements.
- b. Two of these COMINT reports originated from SIGINT operations which were conducted jointly by the United States and a foreign government. Under such an arrangement the

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in exchange for the sharing of technology and COMINT information.

- c. The remaining thirty-nine COMINT documents were produced by NSA or relate to NSA SIGINT operations. That is, these reports originated at NSA itself or in field sites under the operational and technical control of NSA.
- 6. (U) All of the COMINT reports are in either message or summary format. A report in message format contains a single underlying communication presented in a classic cable format, i.e., the verbatim text of the particular transmission, preceded and followed by "externals" consisting of: data about the sender and the recipient; the dates and times of transmission; and other technical information. A summary, as the label suggests, provides in summary form the contents of a single message or of a small number of related intercepted communications, often accompanied by some technical data.

7.—(SC) One hundred and fifty-four of the one hundred and fifty-six COMINT reports are based wholly upon intercepted communications of foreign governments transmitted on non-public "government net" communications links or systems. Of the two reports not included in this total, one report is the text of a

communications common carrier. I have described the distinction between these two kinds of communications facilities in my public affidavit at paragraph 10. The other record which is not based on intercepted communications from "government net" facilities,

communication transmitted by & m36/60ecmational

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is a description of an incident purported to have been learned from U.S. interception and analysis of Cuban air defense communications.

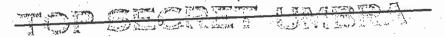
8. (TSC) The COMINT reports originated by second and third party sources can be further described in terms of sources and intelligence targets as follows:

a. Second and Third Party COMINT Reports Which
Target Communications Transmitted on Com-
munications Facilities. One second party report, in summary
format, was produced by
from the intercepted communications between two
aircrafts and a ground controller in April
1971. The pilots of the two aircrafts report a "phenomena"
in the sky north of Three third party reports are
summaries of messages intercepted from
communications. The messages were transmitted from
radar operators to a central control station. In these
messages, the pperators report everything that
appears on their radar screens. When they cannot identify a
particular object, they report it as an unidentifiable object.
In translating these messages, the U.S. cryptolinguist uses
"unidentified flying object" as the equivalent of the
text.
b. Third Party COMINT Reports Which Target the
Air Defense Communications System of
One hundred and nine documents in summary format report
on intercepted communications between radar
operators and a central control point. These summaries are
similar to the reports described in sub-paragraph a above and,

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again, contain information pertaining to the radar
operator's report of objects on his radar screen which he
cannot identify.
c. A Third Party COMINT Report Which Targets
Air Defense Communications. This document is a
summary of intercepted messages prepared in 1976 which report
radar tracking information from a radar station to a
central control point. It is similar to the reports described
in sub-paragraphs (a) and (b) above.
d. A Second Party COMINT Report Which Targets
Military Communications. This summary was prepared
in 1966 by It contains a
summary of intercepted communications which were transmitted
between the commander of an Air Force detachment and the
territorial air commander regarding a yellow object that
was reported to have fallen into the sea. These messages
were transmitted along a "government net" facility.
e. Two COMINT Reports Were the Product of Joint
SIGINT Operations and Targeted the Air Defense Communications
of The two reports were
produced from a field site which is jointly operated by the
U.S. and a collaborating foreign government. The reports
were prepared in 1966 and contain summaries of the communica-
tions transmitted by radar operators as discussed in
sub-paragraph b, above. One of the two reports is a follow-up
report to the other. The relevant activity reported deals
with the tracking of an object approximately 50 nautical
miles northeast of by the Air Surveillance
Facility. As with the messages described above, these COMINT
reports are summaries of the messages.



- 9. —(TSC) NSA-originated reports Thirty-eight documents are the direct product of NSA SIGINT operations and one document describes classified SIGINT activities. These documents can be further described as follows:
- a. The document describing SIGINT operations reports an alleged intercept of Cuban Air Defense communications. The factual circumstances of the incident reported in this record were received by NSA from an FOIA requester other than the plaintiff and are considered to be fictitious by NSA analysts.

Squadron located at Boca Chica Naval Air Station is identified as having the task to monitor Cuban military communications.

While that unit location was not true in March of 1967 when the alleged incident occurred, it is true today. Moreover, the information regarding that unit's task is true. This fact is classified SECRET HVCCO and has not been officially publicly disclosed.

b. One record is a 1973 report which summarizes

the text of message transmitted

from the in

It makes reference to a purported UFO sighting by

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c. Twelve NSA-originated COMINT reports target the communications links and systems of Two documents, in summary format, report the military communications. Two of the records are in message format and report the communications which relate that an unidentified flying object was sighted in the air by a unit. One report contains a summary of air activity based upon communications in reaction to an unidentified flying object along the Two documents report on communications transmitted between air controllers and pilots who report visual observations of luminous spheres. One report is a summary of a transmission between Finally, four documents in this group of twelve were intercepted from other communications targets. One document is based on the intercepted transmission of a reporting a bright light. The second record is based on the intercept of a transmission of an weather net to a weather station seeking a report on any shining phenomena or falling meteorites observed on specified dates. The third and fourth reports are a summaries of on-going debates on UFOs among based on intercepted communications transmitted on nets. Five of the NSA-originated COMINT reports target government net communications All five of these documents are based on intercepted military communications between border units and regional commanders reporting observations of luminous objects in the sky.

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- e. Four NSA-originated COMINT reports target
 Cuban communications links or systems. Three reports are in
 summary format and are based on an intercepted message transmitted between two Cuban Surface to Air Missile (SAM) sites
 reporting an unidentified flying object at a very high altitude;
 an intercepted message transmitted from Santa Cruze Del Sur to
 Guaimaro reporting that an unidentified flying object with two
 lights had passed over Cabeza Del Este Key; and an intercepted
 voice message transmitted to a Cuban civilian air facility by a
 Costa Rican Airlines pilot who reported an unidentified flying
 object. The fourth report is based upon a message between Cuban
 border guard units regarding a UFO sighting.
- f. Sixteen NSA-originated COMINT reports target the "government net" communications systems and links of several different countries. This group contains summaries of intercepted transmissions between military units of the following countries: Morocco (two reports based on communications of an infantry unit and an unidentified sender reporting sightings of a UFO), the Dominican Republic (two reports based on communications by Army unit commanders reporting unidentified. flying objects), Guatemala (a report based on a message from a military commander to an unidentified receiver in Guatemala City reporting a sighting of unidentified flying objects), Burma (a report from an to the in Rangoon reporting an object that appeared to be a rocket over Bhamo), (a report based on

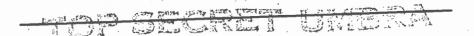
communications between

an unidentified ground station in which both pilots reported

sightings of bright or light spots), Bolivia (a report based

fighter aircraft and

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٠.,	on a transmission	from a military	y unit to a r	egional	commander	
•	reporting a sight	ing of an unider	ntified flyin	g object), India	
`.	(a report based o	n a message from	to	an an u	nidentified	
	recipient which p	rovided instruct	tions for rep	orting t	he sighting	
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	mission between		reporting th	at some	soldiers	
	saw a ball of lig	ht about the si:	ze of an oran	ge movin	g overhead)	•
	One document in s	ummary format is	s the product	of an i	ntercepted	
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EXEMPTION OF THE COMINT REPORTS

10. (S-CCO) A primary and often overriding consideration regarding the classification of COMINT reports is that the need to protect communications intelligence sources and methods is greater than the need to protect sensitive contents of the underlying intercepted messages. Nevertheless, no portion of the contents of COMINT reports may be disclosed, where, as here, revealing the information would have the effect of identifying

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for the target communicators the specific communications that had been intercepted and exploited. One hundred and fifty-four of the COMINT reports being withheld are the product of intercept operations directed against foreign government controlled communications systems within their territorial boundaries.

Revealing the contents of these reports would disclose the capability of NSA to target these government controlled communication systems. Even where the underlying communications are not specified, foreign governments could easily recognize and readily identify the government net

from which the communications had been intercepted for processing by NSA. Moreover, the disclosure of these reports would reveal much more than the identity of the targeted communications systems. It would reveal as well

this case -- which are specified or implicitly identified in the COMINT reports being withheld by NSA -- are the source of extremely valuable communications intelligence covering a broad range of kinds of information from air defense and other military activities to economic, political and diplomatic matters.

Release of these documents would seriously damage the ability of the United States to gather this vital intelligence information for the following reasons:

a)	Disclosure of the report discussed in paragraph 9b
would inform	that their
communication	ns by international common carrier facilities
	can be intercepted and selected
out by NSA, a	and, even more importantly, that the

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Furthermore, revealing the NSA intercept operation against the international common access carrier route which yielded the message could cause the United States to lose access to the communications of other foreign governments who use that same communications route. The disclosure of reports, such as the one at issue here, based on messages transmitted via international common access carrier facilities would also reveal this Agency's capacity to select from such intercepted communications those messages having potential intelligence value. This essential step in the processing of intercepted communications is one that, in the face of the millions of messages being transmitted daily by increasingly rapid means, requires sophisticated, advanced technology. NSA usually accomplishes that selection process through computer scanning and analysis of the magnetic tapes containing the impulses which comprise intercepted communications. Selection of a particular message, whether on

would be of value to foreign intelligence officials.

(c) As I have stated in my open affidavit, when alerted to the extent of NSA's capability, and if given information from

the basis of information identifying the sender or recipient or

amounts of intercepted signals and to select messages of intel-

ligence interest is a rare if not unique capability in foreign

intelligence operations. The extent of NSA's capabilities in

this regard is not generally known and information about it

in its substantive text, is dependent upon selection criteria

used in computer programs. NSA's capacity to process great

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which inferences could be drawn as to the processing methods used, foreign intelligence services would be able to evade or defeat portions of NSA's present foreign intelligence efforts targeting international common carrier links. These countries could be expected to use different routes of communication or to introduce or upgrade the encryption of their messages. Collectively, foreign intelligence targets -- when apprised of the scope of NSA's interception and processing capabilities

The costs involved would be substantial but not prohibitive; the technology required is now available.

- 12. The disclosure of other records at issue here, would result in the loss of the intelligence information gathered from the interception of the government net communications systems. The value of the intelligence data collected from these sources is obvious.
 - (a) For example, analysis of data collected from the intercept of the military communications systems of a foreign government--whether relating to air defense systems (paragraphs 8a, b, c, e and 9f), naval communications (paragraph 9c), or transmissions between military ground units (paragraphs

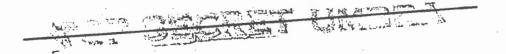
8d and 9d, e, f) -- immeasurably aids U.S. analysts' studies of the disposition and strength -- in terms of manpower and equipment -- of foreign military forces. Analysts are able to report on the operational capabilities of foreign air defense systems generally. This information enables planners in turn to assess the capability of the air defense system to detect the presence and ascertain the intentions of overflying aircraft. The data transmitted in air defense communications is useful in evaluating the performance capabilities of the aircraft whose movements are being reported. By monitoring the aircraft activity and other military transmissions and relating it to geographic areas, the U.S. analyst can detect and report military build-ups or major shifts in military resources. Other targeted military communications provide critical technical information, such as data about advances in weapons or radar technology, which is vital to the development of U.S. countermeasures. Foreign Army, Navy and Air Force communications are among the most timely and reliable sources of intelligence information regarding their nation's intentions, in both the short and long terms. Moreover, the government net systems described here continue to yield valuable intelligence data -- including the tion systems discussed in paragraph 9d, not withstanding the change in government.

against the civil government net systems (described in paragraph 9c) provides invaluable information to our policymakers.

From these sources U.S. analysts are able to compile reports on significant economic activity, scientific advances, weather conditions and political events. Also, by monitoring these non-military transmissions, analysts are able to obtain data to

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EO 3.3b(3) PL 86-36/50 USC 3605



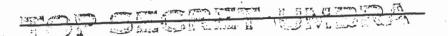
EO 3.3b(3) PL 86-36/50 USC 3605 EO 3.3b(6) confirm suspected military activity such as the deployment of troops in a certain area The intelligence collected from these sources is no less vital to U.S. planners than the military intelligence information discussed above. 13. The need to protect against any identification of the targets of intercept operations is equaled by the need to protect against revealing the identity of the sources Disclosure of the records could have extremely adverse repercussions to the U.S. over and beyond the The most serious would be a At the very least -significant loss of Furthermore, disclosures which would tend to identify third party arrangements for COMINT 18 PL 86-36/50 USC 3605 A ward of the fact that he

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CLASSIFICATION OF THE WITHHELD COMINT REPORTS

14. (S-CCO) As I have indicated in paragraph 17 of my open affidavit, I have determined that the one hundred and fifty-six U.S. and foreign collaborators' reports relating to COMINT activities at issue here are based on intercepted communications of foreign governments or SIGINT operations and, thus, remain properly classified. In conducting this review I have weighed the significant need for openness in government against the likelihood of damage to our national security at this time and have determined that each record should continue to be classified. No meaningful portion can be segregated from the records without revealing classified information about the intercepted communications underlying the COMINT reports. Because each record and each portion thereof is properly classified under Executive Order 12065, it is exempt from disclosure pursuant to 5 U.S.C. \$552(b)(1).

of foreign communications sent on international common carrier facilities or by government net channels are within the COMINT mission of NSA. So, too, is the carrying out of second and third party collaboration with other foreign governments. These functions and activities of NSA are particular types of matters that may be withheld under 5 U.S.C. §552(b)(3), since Section 6



of Public Law 86-36 permits the Agency to refuse to release them. In this case, the COMINT reports reflecting those functions and activities must be withheld to avoid compromising the efficacy of the sources of COMINT information involved.

- 16. —(S-CCO) Information about the interception, processing and exploitation of the foreign communications underlying the records being withheld by NSA is classified information concerning communications intelligence activities of the United States and collaborating foreign governments, the unauthorized disclosure of which is prohibited by 18 U.S.C. §798, paragraphs (a)(3) and (a)(4). This information because it is prohibited from disclosure by statute, is exempt from release under the FOIA pursuant to 5 U.S.C. §552(b)(3).
- 17. (U) As stated in my public affidavit, the information that would be disclosed by these records is information about intelligence sources and methods protected from unauthorized disclosure under 50 U.S.C. §403(d)(3). The reports are therefore exempt from release under Exemption 3 of the FOIA. 5 U.S.C. §552(b)(3).
- 18. (U) In view of the foregoing and in order to protect existing sensitive and important foreign intelligence sources and processing techniques vital to the national security, I certify that disclosure of past and present foreign intelligence communications activities of NSA revealed in the records the plaintiff seeks would endanger highly valuable sources of foreign intelligence.
- 19. (U) Finally, I respectfully request that the Court treat this affidavit in the same secure manner as it has been handled in submission to the Court, and to return it to appropriate personnel of the Department of Justice as soon as possible after review by the Court. The Department

of Justice will retain custody of this document under the Court's seal, subject to any further orders of this Court or any other court of competent jurisdiction.

EUGENE F. YEATES Chief, Office of Policy

bscribed and sworn to before me this

Commission expires on July 1, 1982.